

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA)	
)	
v.)	No. 16-cr-10094-LTS
)	
ROSS MCLELLAN,)	
Defendant)	
)	
)	

**STATUS REPORT CONCERNING DOCUMENT PRODUCTION REQUEST TO THE
IRISH GOVERNMENT PENSION FUND**

Now comes the Defendant, Ross McLellan, by and through undersigned counsel, and hereby respectfully files this status report updating the Court on the parties' efforts to acquire documents from the Irish Government Pension Fund, an alleged victim that forms the basis of a substantive securities fraud count and whose representatives are expected to testify at trial. On April 26, 2018, despite the Government's request, the Irish Government Pension Fund informed the Government that it will not voluntarily produce *any* of the documents requested by the defense. Specifically, the Irish Government Pension Fund advised the Government that their informal document request has "no legal standing or effect in Ireland", that the Fund declines to provide documents on a voluntary basis, and that the Fund's "preference is that Mr McLellan's legal team should, if they still wish to proceed with this document request, seek to advance that request by employing the usual procedures for international requests of this nature".¹

¹ The Government has agreed, at the defense's request, to make an informal request to the specific State Solicitors assigned to the matter, however, it is not likely that the Irish Government will issue a subpoena for the requested materials based solely on an informal communication from the Government nor that the Fund would respond to such a request if made given their denial of the Government's request. Accordingly, the sole avenue to acquire any materials from this pivotal adversarial witness is through a formal communication from the United States

Respectfully Submitted,
Ross McLellan
By His Attorney,

/s/ Martin G. Weinberg
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Dated: April 27, 2018

CERTIFICATE OF SERVICE

I, Martin G. Weinberg, hereby certify that on this date, April 27, 2018, a copy of the foregoing document has been served, via electronic mail, upon Assistant U.S. Attorney Stephen E. Frank and U.S. Department of Justice Trial Attorney William Johnston.

/s/ Martin G. Weinberg
Martin G. Weinberg

Attorney General's Office to Ireland's Central Authority pursuant to the applicable Mutual Legal Assistance Treaty. *See* Dkt 276. As a result, Mr. McLellan respectfully requests this Honorable Court to grant the relief requested in Dkt. 276 and compel the Government to submit a formal request pursuant to the US-Irish Mutual Legal Assistance Treaty for these important, material documents or, alternatively, to exclude all evidence relating the transition at issue. Otherwise, Mr. McLellan will be forced to proceed to trial without pivotal materials that he reasonably believes will further his defense (an expectation that is reasonable given the type of documents received from other Letter Rogatory productions) and that will allow him to effectively cross examine the Irish Government Pension Fund's representatives.